

REMARKS

The above-referenced application has been reviewed in light of the Office Action dated January 24, 2007. Claims 1 and 4-14 are currently pending, of which, claims 1 and 4-12 have been rejected. By the present amendment, Applicant has amended independent claim 1 and added new claims 13 and 14 for consideration. It is respectfully submitted that the present amendment adds no new matter and is fully supported by the specification. In light of the amendments made herein and the following remarks and arguments, early and favorable reconsideration and allowance of this application are respectfully requested.

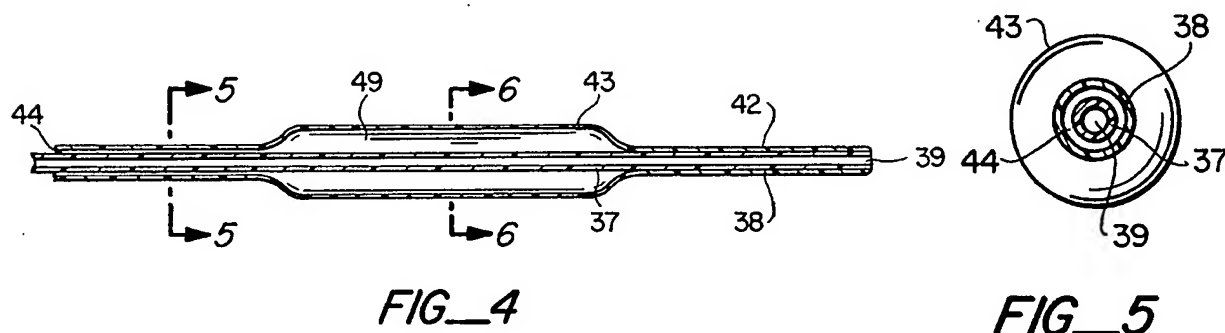
In the Office Action, claims 1 and 4-12 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In the interests of furthering prosecution, claim 1 has been amended to clearly recite the structural relationships of the claimed device. Accordingly, withdrawal of the Examiner's rejection under 35 U.S.C. § 112 is respectfully requested.

Claims 1-9, 11, and 12 were rejected under 35 U.S.C. § 102 (b) as anticipated by or, in the alternative, as obvious under 35 U.S.C. § 103 (a) over U.S. Patent No. 4,323,071 to Simpson et al. (hereinafter "Simpson"). In the Office Action, it was asserted that Simpson discloses a cannula and a retractor including a shaft having an inflatable bladder. The Office Action characterized the inflatable bladder as including a lumen that extends therethrough that connects a proximal end of the retractor with the working space created during use such that a surgical instrument may be introduced thereto. It is respectfully submitted, however, that Simpson fails to disclose or suggest the system recited in amended independent claim 1.

As amended, independent claim 1 recites, *inter alia*, a cannula and "retractor including a shaft that has a first lumen extending therethrough and an inflatable bladder disposed adjacent a distal end of the shaft" wherein the inflatable bladder includes "an opening extending

therethrough such that a surgical instrument may traverse the first lumen and the opening thereby entering into the working space.”

Simpson, in contrast, discloses a catheter assembly including first and second tubular members 37 and 38 and a balloon-like or inflatable annular portion 43 located near the distal end thereof, (col. 5, lines 3-8), that defines a space 49 (col. 5, lines 45-47). As seen below in FIGS. 4 and 5, inflatable annular portion 43 is disposed about first tubular member 37. Furthermore, the inflatable annular portion 43 is a section of tubular member 38 that is proximally spaced from the distal end of tubular member 37, 38.



Accordingly, it is respectfully submitted that Simpson fails to disclose a “retractor including a shaft that has a first lumen extending therethrough and an inflatable bladder disposed adjacent a distal end of the shaft” wherein the said inflatable bladder includes “an opening extending therethrough”, as recited in amended claim 1, in that the inflatable annular portion 43 disclosed in Simpson is disposed *about* the shaft *near* its distal end, and not *adjacent* thereto.

Accordingly, Applicant respectfully submits that Simpson fails to disclose or suggest each and every element recited in amended independent claim 1, and therefore, that claim 1 is in condition for allowance. As claims 4-12 depend, directly or indirectly, from claim 1, it is respectfully submitted that these claims, too, are also in condition for allowance.

In the Office Action, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Simpson in view of U.S. Patent No. 4,690,140 to Mecca (hereinafter “Mecca”). The Office Action relied on Mecca for teaching the concept of inserting a viewing scope into the lumen of an instrument for the purpose of viewing the interior of a blood vessel being treated therewith.

As discussed, Simpson fails to disclose or suggest the retractor recited in amended independent claim 1. Adding the scope disclosed in Mecca fails to cure this deficiency. Accordingly, for at least this reason, it is respectfully submitted that Simpson in view of Mecca fails to suggest the system recited in claim 10, and therefore, that claim 10 is in condition for allowance.

The Applicant has added new claims 13 and 14 herein for consideration. It is respectfully submitted that claims 13 and 14 are fully supported by the specification and add no new matter. As claims 13 and 14 depend, directly or indirectly, from independent claim 1, for at least the reasons discussed above with respect thereto, it is respectfully submitted that claims 13 and 14 are in condition for allowance.

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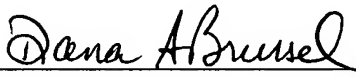
Response to Office Action
dated January 24, 2007

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims pending in the application, namely claims 1 and 4-14, are in condition for allowance.

Should the Examiner desire a telephonic interview to resolve any outstanding matters, the Examiner is sincerely invited to contact the undersigned at (631) 501-5713.

Respectfully submitted,

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